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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

JOSHUA WOODWARD,

Defendant.

Case No. BA403598

**PEOPLE'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANT'S
MOTION FOR REDUCED BAIL**

Date: October 18, 2012

Time: 1:30 p.m.

Court: Dept. 30

TO THE HONORABLE SHELLY TORREALBA, PRESIDING JUDGE,
MARK WERKSMAN AND MITCHELL EGRS, ATTORNEYS FOR DEFENDANT,
AND JOSHUA WOODWARD, DEFENDANT:

THE PEOPLE OF THE STATE OF CALIFORNIA respectfully submit the
following points and authorities in opposition to defendant Joshua Woodward's Motion For
Reduced Bail.

I.

STATEMENT OF FACTS

In August of 2009, defendant Joshua Woodward ("defendant") impregnated the
woman he was dating at the time (hereinafter "Gail"). The defendant repeatedly begged Gail to
voluntarily terminate her pregnancy, but she refused. Informing her that the birth of the baby
would "ruin his life," the defendant offered Gail financial incentives to terminate her pregnancy.

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Los Angeles Superior Court
OCT 18 2012
By John A. Clarke, Executive Officer/Clerk
Deputy

1 He also told her that she could take a "pill" to abort the baby. Gail continuously refused the
2 defendant's demands, and informed him that she had decided to give birth to the child.

3
4 Prenatal testing established that Gail's pregnancy was progressing normally. On
5 October 8, 2009, an ultrasound and prenatal screening demonstrated normal development of the
6 fetus, whose gestational age was eleven weeks and five days at that time. On October 13, 2009,
7 further prenatal screening demonstrated a normal healthy pregnancy. As of October 17, 2009,
8 Gail had entered her second trimester.

9
10 Around that time, the defendant expressed to Gail his acceptance of the pregnancy
11 and a desire to continue their relationship. However, he had already secretly decided to ignore
12 her clear choice to give birth, and instead impose his own will upon her. Although the defendant
13 had outwardly expressed acceptance of Gail's pregnancy, a forensic analysis of his computer
14 demonstrates that his acceptance was feigned, at best. An examination of the defendant's
15 internet search history revealed that in late August 2009 he was researching various drugs and
16 other means to unlawfully cause a miscarriage. For example, among other things, he typed into
17 his internet search engine the following phrases: "ways men have forced abortions," "drugs that
18 induce miscarriages [sic]," and "evil ways to terminate a pregnancy."

19 On August 28, 2009, the defendant conducted internet research on a drug called
20 misoprostol. Misoprostol is used in the field of obstetrics to cause early abortion, to treat
21 miscarriages, and to induce labor. Among other things, it causes uterine contraction and ripening
22 of the cervix. Misoprostol is one of the drugs used for medical abortions in lieu of surgical
23 intervention. For these purposes, misoprostol may be administered vaginally or orally, and is
24 very effective. The defendant also conducted research on ways to obtain the drug without a
25 prescription on the black market.

26
27 In late September or early October 2009, it is alleged that the defendant procured
28 misoprostol and secretly placed it into a drink being consumed by Gail. Shortly after consuming

1 this beverage, Gail suffered symptoms consistent with exposure to this drug. She became
2 violently ill, and suffered from severe nausea and diarrhea. However, her pregnancy was not
3 terminated. Accordingly, on October 11, 2009, the defendant conducted further internet
4 research, this time searching for information about the effectiveness of misoprostol and “how to
5 insert [it] vaginally.”

6
7 Then, on October 17, 2009, just six days later, it is alleged that the defendant
8 vaginally administered misoprostol to Gail during sexual foreplay. She again suffered symptoms
9 consistent with exposure to misoprostol, but again the defendant’s attempt to terminate her
10 pregnancy was unsuccessful. Apparently realizing that he had to increase the dosage, yet
11 worried that he would be discovered, the defendant conducted further internet research on
12 October 18, 2009, concerning the length of time that misoprostol would be detectible in the
13 victim’s blood.

14
15 On October 18, 2009, within an hour of conducting this research, it is alleged that
16 the defendant again returned to Gail’s apartment and administered misoprostol. Unfortunately,
17 on this occasion she suffered severe symptoms consistent with misoprostol exposure. This
18 included severe abdominal pain and cramping. Later that day, Gail miscarried her fetus.
19 However, Gail did not inform the defendant that her pregnancy was terminated. Instead, she
20 informed him that everything was fine. Again undeterred in his resolve to terminate her
21 pregnancy, and apparently believing that he had to find some way to increase the dosage he
22 would next administer, on October 20, 2009, the defendant conducted internet research
23 concerning the “safest way to knock someone out,” and sought information about the use of
24 chloroform and other sedatives.

25 Finally, it is alleged that on October 25, 2009, mistakenly believing that Gail was
26 still pregnant, the defendant again went to her apartment with the intent to administer
27 misoprostol. However, he was detained by police officers before he could reach her door. As
28 the police contacted the defendant, he attempted to discard a baggie containing a white powder.

1 The baggie was recovered and subsequent scientific testing revealed that it contained
2 misoprostol. Moreover, a subsequent search revealed that the defendant possessed additional
3 misoprostol at his workplace.

4
5 Based in part on these facts, after the completion of a thorough investigation,
6 review, and analysis of the case, the People charged the defendant with four counts of willful,
7 deliberate, and premeditated attempted murder. Each count reflects a separate and distinct
8 occasion that the defendant attempted to force his will upon Gail and terminate her pregnancy.
9 Each count carries with it the possibility of a separate and distinct life term. Bail is currently set
10 at \$4,000,000 in accordance with the felony bail schedule. The defendant now seeks to reduce
11 bail below this scheduled amount. For the reasons discussed below, this motion should be
12 denied in its entirety.

13 II.

14 **APPLYING THE LAW TO THE FACTS OF THIS CASE,** 15 **BAIL SHOULD NOT BE REDUCED**

16 Defendant is charged with attempted murder, a violent felony. Under Penal Code
17 Section 1275:

18 Before a court reduces bail below the amount established by the
19 bail schedule approved for the county ... for a person charged with
20 a ... violent felony, as defined in subdivision (c) of Section 667.5,
21 the court shall make a finding of unusual circumstances and shall
22 set forth those facts on the record.

23 (Pen. Code, § 1275, subd. (c), emphasis added.) Moreover, for purposes of section 1275,
24 unusual circumstances “do[] not include the fact that the defendant has made all prior court
25 appearances or has not committed any new offenses.” Id. In reducing bail, the court shall
26 consider (1) the protection of the public, (2) the seriousness of the offense charged, (3) the
27 previous criminal record of the defendant, and (4) the probability of his or her appearing at the
28 trial or hearing of the case. Id. Public safety is a primary consideration. Id.

29 In assessing the seriousness of the offense charged, among other factors, the court
30 weighs “the alleged injury to the victim . . . and the alleged use or possession of controlled

1 substances.” In re Weiner (1995) 38 Cal. Rptr. 2d 172, 174 (reciting also as considerations
2 alleged threats to victims or witnesses and alleged use of a firearm). When assessing the amount
3 of bail, the defendant’s guilt must be presumed. In re Horiuchi (1930) 105 Cal. App. 714,
4 715; see also Ex parte Ruef (1908) 7 Cal. App. 750, 752 (“Upon an application to admit to bail
5 after indictment returned or information filed, the court must assume that the defendant is guilty
6 of the offense with which he is charged.”).

7
8 As explained below, the facts clearly demonstrate that there are no unusual
9 circumstances that would justify a deviation downwards from the felony bail schedule.

10
11 **A. The Defendant Poses a Flight Risk Due to His Lack of Ties to the**
12 **Community, and the Substantial Penalties He Is Facing**

13
14 The defendant currently has no ties to California. He owns no businesses in
15 California. He has no relatives in California. He owns no property in California. In fact, all of
16 the defendant’s known ties and affiliations are outside of California. Moreover, the people are
17 informed and believe that the defendant has substantial means and has access to a private jet.
18 Given the fact that the defendant is facing four life terms in prison, and given the limited ties he
19 has to this jurisdiction, he poses a significant flight risk. Certainly no “unusual circumstances”
20 exist which would justify a reduction in bail based on this factor, and the defendant’s motion
21 should be denied.

22 **B. Due to the Calculated and Callous Nature of the Defendant’s Repeated**
23 **Actions, He Has Demonstrated That He Is an Extremely Dangerous**
24 **Individual Who Poses a Danger to the Community**

25
26 The defendant has demonstrated through his actions that he is an extremely
27 dangerous individual. He was determined to ignore Gail’s clear choice and end her pregnancy.
28 In a sophisticated scheme, he methodically planned how he would accomplish this goal. He

1 conducted exhaustive research on methods available to cause abortions, procured a drug
2 commonly used in the medical field for this very purpose, administered it to Gail on at least three
3 separate occasions, and attempted to administer it a fourth time. On each occasion that he tried
4 to kill the fetus, he believed that he had failed and became increasingly bold in his methods.

5
6 First, he administered it orally. When that did not work, he conducted research on
7 the most effective method to administer the drug. On his next attempt, he used this method and
8 inserted the drug vaginally. When that method did not work, he apparently realized that he
9 needed to increase the dosage and, concerned that he might get caught, researched how long the
10 drug could be detected in Gail's blood. He then administered the drug a third time. After this
11 administration, Gail miscarried her fetus. The defendant, unaware of this fact, yet still
12 determined to accomplish his goal, seemingly believed that he needed to sedate the victim's
13 mother to insert enough drugs to kill the fetus, and researched ways to do this. After a business
14 trip, immediately upon his return to Los Angeles on October 25, 2009, the defendant made his
15 fourth attempt.

16 Based on these facts, it is clear that the defendant is a sophisticated criminal who
17 has no regard for the safety of others. He committed an extremely cold and callous crime.
18 Moreover, not only did he attempt to kill his and Gail's unborn baby, in doing so he was willing
19 to subject Gail to substantial risks of injury inherent in the use of the drug. This is exactly the
20 type of individual who has demonstrated, through his actions, that he poses a danger to the
21 community. There are no unique circumstances in this case that would justify a reduction in bail
22 below the scheduled amount.

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II.
CONCLUSION

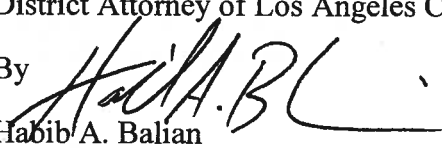
Based on the foregoing, the defendant's motion to reduce bail should be denied.

Dated: October 18, 2012

Respectfully submitted,

STEVE COOLEY,
District Attorney of Los Angeles County

By


Habib A. Balian
Deputy District Attorney

 (for)
Marguerite Rizzo
Deputy District Attorney

Attorneys for Plaintiff